



Federal Communications Commission  
Washington, D.C. 20554

DEC 29 1997

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable Rodney P. Frelinghuysen  
U. S. House of Representatives  
228 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Frelinghuysen:

Thank you for your letter dated October 29, 1997, on behalf of your constituent, Marilyn Snow, Township Clerk, East Hanover, New Jersey, which enclosed a copy of a resolution about the placement and construction of facilities for the provision of personal wireless services and radio and television broadcast services in her community. The resolution refers to three proceedings that are pending before the Commission. In MM Docket No. 97-182, the Commission has sought comments on a Petition for Further Notice of Proposed Rule Making filed by the National Association for Broadcasters and the Association for Maximum Service Television. In this proceeding, the petitioners ask the Commission to adopt a rule limiting the exercise of State and local zoning authority with respect to broadcast transmission facilities in order to facilitate the rapid build-out of digital television facilities, as required by the Commission's rules to fulfill Congress' mandate. In WT Docket No. 97-192, the Commission has sought comment on proposed procedures for reviewing requests for relief from State and local regulations that are alleged to impermissibly regulate the siting of personal wireless service facilities based on the environmental effects of radio frequency emissions, and related matters. Finally, in DA 96-2140 and FCC 97-264, the Commission twice sought comments on a Petition for Declaratory Ruling filed by the Cellular Telecommunications Industry Association seeking relief from certain State and local moratoria that have been imposed on the siting of commercial mobile radio service facilities.

Because all of these proceedings are still pending, we cannot comment on the merits of the issues at this time. However, I can assure you that the Commission is committed to providing a full opportunity for all interested parties to participate. The Commission has formally sought public comment in all three proceedings and, as a result, has received numerous comments from State and local governments, service providers, and the public at large. Your letter, as well as this response, will be placed in the record of all three proceedings and will be given full consideration.

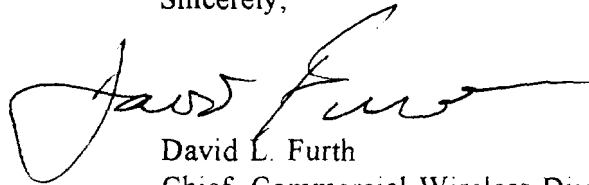
The Honorable Rodney P. Frelinghuysen

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Further information regarding the Commission's policies toward personal wireless service facilities siting, including many of the comments in the two proceedings involving personal wireless service facilities, is available on the Commission's internet site at <http://www.fcc.gov/wtb/siting>.

Thank you for your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Furth", with a large, stylized initial "D" and a long, sweeping horizontal stroke extending to the right.

David L. Furth  
Chief, Commercial Wireless Division  
Wireless Telecommunications Bureau

cc: CWD

Dockets (2)

John Conwell

j:\congress\7471

RODNEY P. FRELINGHUYSEN

11TH DISTRICT, NEW JERSEY

COMMITTEE:

APPROPRIATIONS

SUBCOMMITTEES:

VETERANS, HOUSING AND  
INDEPENDENT AGENCIES

ENERGY AND WATER

FOREIGN OPERATIONS,  
EXPORT FINANCING AND  
RELATED AGENCIES

## Congress of the United States

House of Representatives

Washington, DC 20515-3011

October 29, 1997

WASHINGTON OFFICE:

228 CANNON BUILDING  
WASHINGTON, DC 20515-0814  
(202) 725-5034

DISTRICT OFFICE:

1 MORRIS STREET  
MORRISTOWN, NJ 07960  
(973) 261-0713

The Honorable Reed E. Hundt  
Chairman  
Federal Communications Commission  
1919 M Street NW  
Washington, D.C. 20554

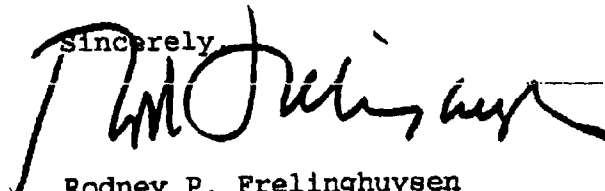
Dear Chairman Hundt:

~~I am referring to you a resolution adopted by the Township  
Council of the Township of East Hanover, New Jersey in my  
Congressional district concerning rules proposed by the Federal  
Communications Commission governing the placement of radio,  
television and cellular towers.~~

As you will note, the Township has raised concerns about  
Federal preemption of municipal ordinance, and specifically, the  
limiting of local involvement in matters traditionally under  
municipal jurisdiction. I believe the Township has raised valid  
concerns which merit the FCC's careful attention, and I would ask  
that this resolution be given all due consideration.

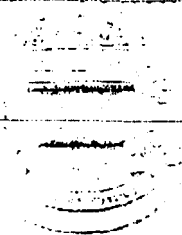
Thank you for your assistance.

Sincerely,



Rodney P. Frelinghuysen  
Member of Congress

RPF:ls



TOWNSHIP OF EAST HANOVER  
411 RIDGEDALE AVENUE  
EAST HANOVER, NJ 07936

OCT 20 1997

(201) 428-3000  
FAX: 887-7270

Date: October 15, 1997

Congressman Rodney P. Frelinghuysen  
1 Morris Street  
Morristown, N.J. 07960

SUBJECT: RESOLUTION # 180-1997

Dear Congressman Frelinghuysen:

I have enclosed herewith a certified copy of subject resolution adopted by the Township Council of the Township of East Hanover at a regular meeting held on October 9, 1997.

Very truly yours,

TOWNSHIP OF EAST HANOVER

*Marilyn J. Snow*

Marilyn J. Snow  
Township Clerk

MJS:tm  
Enc.

RESOLUTION NO. 180-1997

TOWNSHIP OF EAST HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

RESOLUTION AUTHORIZING THE TOWNSHIP OF EAST HANOVER  
TO COMMENT ON PROPOSED RULES OF THE  
FEDERAL COMMUNICATION COMMISSION AS TO  
RADIO, TV STATION TOWERS AND CELLULAR TOWERS.

WHEREAS, the Federal Communication Commission (hereinafter referred to as the  
"FCC") has recently proposed two rules, set forth in WT-Docket No. 97-192, FCC 97-303,  
adopted August 25, 1997 and released August 25, 1997 and FCC 97-296, adopted August 18,  
1997 and released August 19, 1997, with respect to radio, TV station towers and cellular towers;  
and,

WHEREAS, the proposed rules require municipalities to act on all zoning, building  
permits and other requests for radio and TV station towers within 21 to 45 days irrespective of  
local requirements for notice to adjoining landowners, hearing requirements, appeal periods, etc.;  
and,

WHEREAS, failure to act within the time frame of the proposed rules results in the  
zoning or other request being automatically granted; and,

WHEREAS, under the proposed rules, zoning approval and permits could only be denied  
for "clearly stated safety" reasons and could not be denied or conditioned due to aesthetics,  
impact on property values, or designation as a historic site; and,

WHEREAS, all appeals of local zoning and other decisions affecting radio and TV towers  
would go to the FCC in Washington and not to the local courts; and,

**WHEREAS**, with respect to cellular towers, under the proposed rules, the FCC would be allowed to review and reverse any local zoning decision if there is any evidence showing that concern over radiation was the basis (or partial basis) for the decision; and,

**WHEREAS**, under the proposed rules, a cellular provider could appeal directly to the FCC any zoning decision (or failure to act) it claims is based on concerns over radio wave radiation; and,

**WHEREAS**, the proposed rules would allow the FCC to "second-guess" the reasons given by a municipality for its decisions; and,

**WHEREAS**, the proposed rules set time limits that are unrealistic in light of procedural ~~requirements of the State and local law; and,~~

**WHEREAS**, some of the new digital TV towers may be as high as one-half mile; and,

**WHEREAS**, both proposed rules impact upon several areas of municipal concern including zoning and property values; and,

**WHEREAS**, the comment period as to the proposed rules ends on October 30th and October 9th; and,

**WHEREAS**, the Township Council of the Township of East Hanover, County of Morris, ~~State of New Jersey deems it to be in the best interests of the Township to oppose the~~ aforementioned proposed FCC rules;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of East Hanover, County of Morris, State of New Jersey, that comments opposing the above cited FCC proposed rules be prepared and submitted on behalf of the Township within the comment periods provided: and

BE IT FURTHER RESOLVED that the Township Clerk shall forward copies of this

Resolution to Congressman Frelinghuysen, Senator Torricelli and Senator Lautenberg, as well  
as the appropriate office of the Federal Communications Commission and to the President of the  
United States.

encl205res.cmc

I hereby certify the foregoing to be a true  
copy of a Resolution/Ordinance adopted by  
the Township Council of the Township of  
East Hanover at a Regular/Special Meeting  
held on 10/19/97

  
Marilyn J. Snow, Township Clerk, RMC, CMC

COUNCILMAN MUSSO  
COUNCILMAN PANNULLO  
COUNCILMAN RINALDI  
COUNCILMAN RICCA  
MAYOR COLASURDO

| YES                                 | NO                       | ABSTAIN                  | ABSENT                   |
|-------------------------------------|--------------------------|--------------------------|--------------------------|
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